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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

JOHN SONES, on behalf of himself, and on behalf of all persons similarly situated, Plaintiffs, vs. WORLD MORTGAGE COMPANY; and, Does 1 to 10, Defendants.	CASE NO. 08-CV-0756 BEN JMA **JOINT MOTION AND STIPULATION TO STAY LITIGATION PENDING PRIVATE MEDIATION** **The Honorable Roger T. Benitez**

The parties jointly move and stipulate as follows:

WHEREAS, Plaintiff John Sones ("Plaintiff") brings this putative class and collective action against Defendant World Mortgage Company ("Defendant") claiming that, subsequent to June 30, 2007, Defendant misclassified loan representatives who work or worked in California as "exempt" employees under California and federal law and, in addition, failed to reimburse loan representatives for necessary business expenditures in violation of California law;

WHEREAS, Plaintiff served a summons and copy of his Class and Collective Action Complaint ("Complaint") on Defendant World Mortgage Company, through its agent for service, on or about May 5, 2008;

WHEREAS, pursuant to a joint motion filed by the parties, this Court entered an order on May 22, 2008 extending the time for Defendant to respond to the Complaint until June 26, 2008;

WHEREAS, on or about June 16, 2008, Plaintiff filed his First Amended Class and Collective Action Complaint ("First Amended Complaint");

WHEREAS, shortly thereafter, the parties met and conferred on the effect on this case of the settlement reached in similar litigation pending in Northern California, and whether, in light of this already reached settlement, the parties would benefit from an early alternative dispute resolution mechanism;

WHEREAS, pursuant to a joint motion filed by the parties, this Court entered an order on July 1, 2008 extending the time for Defendant to respond to the First Amended Complaint until July 30, 2008;

WHEREAS, subsequent to the entry of the Court's July 1 Order, the parties met and conferred again and agreed to schedule a mediation with a professional mediator to attempt to resolve this matter;

WHEREAS, in light of the anticipated mediation, and in an effort to resolve their differences without the unnecessary expenditure of judicial resources or unnecessary expense to the parties, the parties have agreed to seek a stay of the litigation in this matter, pending the anticipated mediation;

WHEREAS, in light of this requested stay, Plaintiff agrees that Defendant shall not be required to respond to the complaint at this juncture, and Plaintiff further agrees that if the stay request is denied, Plaintiff will not seek to hold Defendant in default until fifteen (15) days after the Court has provided notice that the requested stay is denied;

WHEREAS, in the event the stay is entered and then lifted, Plaintiff and Defendant agree that Defendant's deadline to respond to the complaint shall be twenty (20) days following the lifting of the stay or any other deadline expressly agreed to by the parties;

WHEREAS, Plaintiff and Defendant agree that any party shall, at any time, have the ability to move the Court to lift the stay;

WHEREAS, Plaintiff and Defendant have not agreed on a specific date of the private mediation but will report to the Court no later than September 8, 2008 on the status of the proposed mediation;

Plaintiff and Defendant agree that, no more than twenty-one (21) days following the parties' mediation, the parties shall file a joint report on the effect of the ruling on this case and advising the Court on further scheduling;

WHEREAS, by entering this joint motion and stipulation, Defendant World Mortgage Company does not waive or in any way compromise its ability to object or respond to the First Amended Complaint on any grounds, including without limitation its ability to seek transfer of this case, and by entering this joint motion and stipulation, Plaintiff does not waive or in any way compromise his ability to contest any such arguments;

WHEREAS, there is good cause pursuant to Civil Local Rule 12.1 to stay the deadline for Defendant to respond to the First Amended Complaint because the parties are meeting and conferring in an effort to resolve their differences without the unnecessary expenditure of judicial resources or unnecessary expense to the parties; and

WHEREAS, counsel for Plaintiff and Defendant have conferred and, on behalf of their clients, have agreed to stay this litigation in its entirety pending the parties' private mediation;

IT IS HEREBY STIPULATED that the simultaneously lodged, proposed order staying the case pending mediation be entered.

DATED: July 30, 2008

BLUMENTHAL & NORDREHAUG

By: ______________________
NORMAN B. BLUMENTHAL

Attorneys for Plaintiff John Sones

DATED: July 30, 2008

MUNGER, TOLLES & OLSON LLP

By: ______________________
MALCOLM A. HEINICKE

Attorneys for Defendant World Mortgage Company